

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ 10/17/07 2007 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

X

UNITED STATES OF AMERICA,

07 CR 258 (SJ)

-against-

**MEMORANDUM  
AND ORDER**

BRIAN ESTERINE,

Defendant.

X

A P P E A R A N C E S  
UNITED STATES ATTORNEY  
Benton J. Campbell  
United States Attorney  
225 Cadman Plaza East  
Brooklyn, New York 11201  
By: Valerie Tocci, Esq.  
Attorney for Plaintiff

FEDERAL DEFENDERS OF NEW YORK, INC.  
16 Court Street – 3<sup>rd</sup> Floor  
Brooklyn, NY 11241  
By: Michael D. Weil, Esq.  
Attorney for Defendant

JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (“Report”) prepared by Magistrate Judge Roanne Mann. Judge Mann issued the Report on October 3, 2007, and provided the parties with the requisite amount of time to file any objections. Defendant Brian Esterine (“Defendant”) timely filed objections to the Report on October 15, 2007. The government did not file any objections to the Report. For the reasons stated herein, this Court affirms and adopts the Report in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

Defendant objects to the fact that Judge Mann credited the police testimony offered by the sole prosecution witness, N.Y.P.D. Officer Christopher Lesiewicz and defense witness N.Y.P.D. Officer George Dumont. After reviewing Judge Mann's Report and Defendant's objections, and after reviewing *de novo* those portions of the record to which the objections were made, the Court concludes that Defendant has not raised any new arguments that would convince this Court to reject Judge Mann's well-reasoned recommendations.

Accordingly, this Court will defer to the findings of Judge Mann and it affirms and adopts the Report in its entirety. The motion to suppress is DENIED.

SO ORDERED.

/s/(SJ)

Dated: November 2, 2007  
Brooklyn, NY

Senior United States District Judge